

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: June 6, 2019

CALENDAR NO. 32,691

NO. \_\_\_\_\_ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS GISLESON, PALMER, MORENO AND BANKS

AN ORDINANCE to amend and reordain Article XI of Chapter 26 of the Code of the City of New Orleans, relative to Short-Term Rentals, to establish application procedures, permit types and fees, operating regulations, enforcement parameters, and penalties; and to provide otherwise with respect thereto.

1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY  
2 ORDAINS, That Article XI of Chapter 26 of the Code of the City of New Orleans, be, and the  
3 same is hereby amended and reordained to read as follows:  
4 "CHAPTER 26 – BUILDINGS, BUILDING REGULATIONS, AND HOUSING  
5 STANDARDS

6 \*\*\*

7 ARTICLE XI – STANDARDS FOR SHORT TERM RENTALS  
8 DIVISION 1 – IN GENERAL  
9 Sec. 26-613. – Purpose

10       A) This Article sets forth comprehensive standards governing the short-term rental of  
11       immovable property for lodging or sleeping purposes, and establishes requirements and  
12       enforcement mechanisms intended to encompass and regulate all persons engaged in the  
13       business of short-term rentals, including without limitation, property owners, property  
14       managers, leasing agents, and electronic platforms that facilitate Short-Term Rentals.

15       B) This Article is adopted pursuant to the City's police power to preserve the City's permanent  
16       housing stock, balance the economic opportunity created by short-term rentals with the  
17       need to maintain a supply of long-term rental housing stock available at a range of prices,  
18       reduce any indirect negative effects on the availability of affordable housing that results  
19       from the dedication of long term housing stock to Short-Term Rental use, create a level  
20       playing field for all parties engaged in the business of providing lodging, ensure the  
21       sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored short-  
22       term rentals can have on neighborhoods, and protect the livability and quality of life of the  
23       City's residential neighborhoods.

24       **Sec. 26-614. – Definitions**

25       Except as otherwise expressly provided in this Article, the following terms and their variant forms  
26       shall mean the following:

27       “*Booking Transaction*” means any contractual agreement between a Guest and an Owner relative  
28       to a Short-Term Rental.

29       “*Department*” means the Department of Safety and Permits.

30       “*Dwelling Unit*” means a room, or group of rooms, providing complete, independent living  
31       facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation for  
32       one or more persons.

33     “*Guest*” means any person who occupies a Dwelling Unit pursuant to a Short-Term Rental.

34     “*Operator*” means a natural person possessing a Short-Term Rental Operator’s Permit. An

35     Operator who meets the legal requirements may also possess a Short-Term Rental Owner Permit.

36     “*Owner*” means a person who owns a 50% interest in a Dwelling Unit used for Short-Term

37     Rentals.

38 "Platform" means a website, portal, listing service, or any other method through which a person,  
39 other than an Owner, collects or receives a fee, directly or indirectly, for facilitating Booking  
40 Transactions. A Platform shall not include a service that merely posts advertisements for Short-  
41 Term Rentals.

42        "*Primary Residence*" means the Owner's bona fide principal home, as indicated by the possession  
43        of a valid homestead exemption authorized by the Orleans Parish Assessor's Office.

44        “*Short-Term Rental*” means the use and enjoyment of a Dwelling Unit, or any portion thereof, by  
45        guests for a period of less than thirty consecutive days, in exchange for money, commodities, fruits,  
46        services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly  
47        defined and regulated in the CZO separately from Short-Term Rentals are not considered to be  
48        Short-Term Rentals.

49 Sec. 26-615. – Short-Term Rental Permits Required

55           2) the Owner has designated an Operator possessing a valid Short-Term Rental  
56           Operators Permit, issued in accordance with Division 3 of this Article, and such  
57           Operator fully complies with all legal requirements and duties imposed herein with  
58           respect to each and every Short-Term Rental.

59           B) No Platform shall facilitate or conduct any Booking Transaction for a Short-Term Rental  
60           in Orleans Parish without first obtaining and maintaining a Short-Term Rental Platform  
61           Permit issued in accordance with Division 4 of this Article.

62           C) The permits required by this Article are regulated privileges, not rights, and can be revoked  
63           or suspended by the City in accordance with the provisions provided herein.

64           D) Any permit issued pursuant to this Article is non-transferable.

65           E) Any change in ownership requires a new Short-Term Rental Owner Permit.

66           F) If any required contact information changes for any permit, the person possessing the  
67           permit shall immediately notify the Department in writing, and the Department shall issue  
68           a revised Permit to reflect the updated contact information.

#### 69           **Sec 26-616. – Short-Term Rental Permit Fees**

70           A) There shall be the following Short-Term Rental Owner Permit classifications, which shall  
71           correspond to the types of Short-Term Rental uses set forth by the Comprehensive  
72           Zoning Ordinance:

- 73           1) Short-Term Rental Partial-Unit Residential
- 74           2) Short-Term Rental Small Residential
- 75           3) Short-Term Rental Large Residential
- 76           4) Short-Term Rental Commercial

77       B) The annual permit fees, and renewals thereof, shall be due upon application filing and  
78            shall be as follows:

79        1) Short-Term Rental Owner Permit (per Dwelling Unit used as a Short-Term Rental):

80            a. Type R – Residential

81              i. Partial-Unit – \$250.00

82              ii. Small Residential – \$500.00

83              iii. Large Residential – \$500.00

84            b. Type C – Commercial - \$5,000.00

85        2) Short-Term Rental Operator Permit

86            a. If the Owner is the Operator of the Type-R - Residential Short-Term Rental:

87              \$0.00

88            b. If the Operator is a natural person other than the Owner, for Type-R Residential  
89              Short-Term Rental(s):

90              i. 1 Short-Term Rental – \$150.00;

91              ii. 2+ Short-Term Rentals - \$1,000.00

92            c. Type-C, Commercial Short-Term Rentals - \$1,000.00.

93        3) Short-Term Rental Platform Permit – \$50,000.00

94       C) The Owner shall remit to the City a \$5.00 fee for each night of occupancy of a Dwelling  
95            Unit used as a Short-Term Rental for Type-R – Residential, and a \$10.00 fee for each  
96            night for Type-C – Commercial Short Term Rentals, permitting enforcement and other  
97            costs borne by the City. Fees shall be due and remitted along with tax submissions.

## 98       **DIVISION 2 – SHORT-TERM RENTAL OWNER PERMIT**

### 99       **Sec. 26-617 – Permit and Application – Eligibility**

100 A) No Dwelling Unit may be used as a Short-Term Rental unit unless the Owner possesses a Short-  
101 Term Rental Owner Permit in accordance with this Article.

102 1) A Short-Term Rental Owner Permit shall be valid for one year from the date of  
103 issuance, and shall be reapplied for and renewed annually.

104 2) A separate Short-Term Rental Owner Permit shall be required for each Dwelling Unit  
105 used as a Short-Term Rental.

106 3) A Short-Term Rental Owner Permit shall be consistent with the dwelling-unit-per-lot-  
107 of-record, Guest bedroom, Guest occupancy, and any other applicable density  
108 limitations set forth in the Comprehensive Zoning Ordinance.

109 B) The application for a Short-Term Rental Owner Permit shall be on forms created by the  
110 Department, which shall, at a minimum, require the following information from applicants:

111 1) The name, address, phone number, and email contact information of the Owner.

112 2) The municipal address of the Dwelling Unit associated with the Short-Term Rental Owner  
113 Permit.

114 3) The total number of Dwelling Units located on the lot-of-record containing the Dwelling  
115 Unit associated with the Short-Term Rental Owner Permit application.

116 4) The name, address, phone number, email contact information, and permit number of the  
117 Operator designated by the Owner to satisfy the requirements of this Article with respect  
118 to the Dwelling Unit associated with the Short-Term Rental Owner Permit. If the  
119 designated Operator has not yet received a permit number, the applicant shall provide  
120 evidence of a contemporaneous application for a Short-Term Rental Operator's Permit by  
121 the designated Operator.

122 C) The following additional documentation shall be submitted to the Department, along with the  
123 application, prior to processing:

- 124 1) Proof of insurance that meets the requirements of Sec. 26-618(A)(1).
- 125 2) A list of Platforms that will be used to solicit Booking Transactions for the Dwelling  
126 Unit associated with the Short-Term Rental Owner Permit, and correlating print-outs  
127 or URL links soliciting the Short-Term Rental, if any.
- 128 3) A tax clearance form obtained from the Department of Finance for the Dwelling Unit  
129 associated with the application.
- 130 4) A floor plan depicting all:
  - 131 i. entrance and exit doors,
  - 132 ii. windows,
  - 133 iii. Guest bedrooms and bedrooms,
  - 134 iv. bathrooms,
  - 135 v. kitchens, and
  - 136 vi. interior doors.
- 137 5) An evacuation plan indicating:
  - 138 i. the fire exits and escape routes;
  - 139 ii. the location of smoke detectors;
  - 140 iii. the location of fire extinguishers; and
  - 141 iv. the location of carbon monoxide detectors.

142 6) A site plan indicating the location of any required parking.

143 7) If the application is for a Residential Permit:

144 i. A notarized affidavit that the Owner's Primary Residence is located on  
145 the same lot of record as the Dwelling Unit associated with the Short-  
146 Term Rental Owner Permit; and  
147 ii. A copy of the Owner's homestead exemption reflecting same.

148 8) If the application is for a Commercial Permit:

149 i. A Noise Abatement Plan;  
150 ii. A Security and Operation Plan; and  
151 iii. A Sanitation Plan.

152 9) An attestation signed by the Owner providing that:

153 i. the Dwelling Unit has no outstanding property taxes or City liens  
154 associated with the lot-of-record, nor does the owner owe any other  
155 outstanding taxes to the City;  
156 ii. the Dwelling Unit complies, and will comply during any Short-Term  
157 Rental of the Dwelling Unit, with all standards contained in the City's  
158 Minimum Property Maintenance Code and all health safety requirements  
159 contained in the Building Code;  
160 iii. the Dwelling Unit has working smoke detectors inside and outside every  
161 bedroom, carbon monoxide alarms outside every bedroom, and a properly  
162 maintained and charged fire extinguisher on all habitable floors;  
163 iv. the Dwelling Unit is not subject to any contractual restrictions precluding  
164 the Dwelling Unit from being used for Short-Term Rentals, including but  
165 not limited to: homeowner association agreements, condominium bylaws,  
166 restrictive covenants, or building restrictions; and  
167 v. the Owner has read, understands, and agrees to comply with all legal  
168 duties imposed by this Article and the Comprehensive Zoning  
169 Ordinance.

170 D) Every Short-Term Rental Owner Permit issued by the Department shall contain the following  
171 information:

172 1) Short-Term Rental Owner Permit number;

173 2) Municipal address of the Dwelling Unit associated with the permit;

174 3) Owner's name and contact information;

175 4) Operator's name and contact information;

176 5) Permit type, including the Residential sub-type, if applicable;

177 6) The permit's effective and expiration dates; and

178 7) The Guest bedroom and occupancy limit of the Dwelling Unit associated with the

179 permit.

180 E) Renewals shall be obtained in the same or substantially similar form and manner as the initial

181 permit, and shall also require:

182 i. A revised and current sales tax clearance form from the Department of

183 Finance;

184 ii. Updated contact information, if applicable;

185 iii. An attestation signed by the Owner providing that, in addition to the items

186 specified in (C)(9), the Short-Term Rental Owner Permit has not been

187 revoked in the previous year;

188 iv. An updated list of Platforms that are used to solicit Books Transactions

189 for the Dwelling Unit associated with the Short-Term Rental Owner

190 Permit, and correlating print-outs of the Universal Resource Locator

191 (URL) soliciting the Short-Term Rental (for example:

192 <http://www.vrbo.com/XXXXX> or

193 <https://www.airbnb.com/rooms/xxxxxx>); and

194 v. If a Type C – Commercial Short-Term Rental, proof of a favorable, annual

195 City fire inspection.

196 **Sec. 26-618 - Legal Duties of a Short-Term Rental Owner Permit Holders**

197 **A. Legal Duties.** An Owner possessing a Short-Term Rental Owner Permit shall comply at all

198 times with the following requirements:

199       1) **Insurance.** The Owner shall maintain in full force and effect at all times a Short-Term  
200       Rental insurance policy, vacation rental insurance, or equivalent insurance, with limits of  
201       not less than \$1,000,000.00 per occurrence, combined single limit, for bodily injury,  
202       personal injury, and property damage arising in any way from the issuance of the permit  
203       or activities conducted pursuant to the permit. Each policy of insurance shall be issued  
204       by an insurer authorized to insure in the State of Louisiana and name the City of New  
205       Orleans as additional insured on a primary, noncontributory basis for any liability arising  
206       directly or indirectly from the issuance of the permit.

207       2) **Guest Records.** The Owner shall maintain Guest registration records that contain the  
208       name and address of each Guest, as well as the actual dates of occupancy and total number  
209       of Guests per party, per stay. Such records shall be maintained for three years and shall  
210       be provided to the Department upon request. Personally identifiable information may be  
211       redacted.

212       3) **Short-Term Rental Advertisements.** The Owner shall ensure that the following  
213       information be provided in connection with any Short-Term Rental advertisement:

214               a. the Short-Term Rental Owner Permit number;

215               b. the Short-Term Rental Operator Permit number of the  
216               designated Operator;

217               c. whether the Dwelling Unit is wheelchair accessible or  
218               otherwise compliant with the Americans with Disabilities  
219               Act;

220               d. the number of available Guest bedrooms as indicated on the  
221               Owner Permit; and

222               e. the maximum available occupancy of the Dwelling Unit as  
223               indicated on the Owner Permit.

224       4) **Adherence to Dwelling and Occupancy Limits.** Short-Term Rentals shall be subject to,  
225       and may not exceed, the dwelling-unit-per-lot-of-record, Guest bedroom, Guest  
226       occupancy, and density limitations set forth in the Comprehensive Zoning Ordinance.

227       5) **Required Postings at the Short-Term Rental.**

228 a. The Owner shall ensure that a copy of the Owner permit is  
229 displayed in a location clearly visible and legible to both  
230 Guests and neighbors.  
231 b. The Owner shall ensure that the following are displayed in a  
232 location clearly visible and legible to Guests:  
233 i. An evacuation diagram identifying fire escapes and  
234 all means of egress from the Dwelling Unit and the  
235 building in which the Dwelling Unit is located; and  
236 ii. Trash disposal and recycling collection days.

237 6) **Health and Safety.** The Owner shall ensure that each Dwelling Unit governed by this  
238 Article complies with the following standards:

239 a) Walls, ceilings, floors, windows, fixtures and furnishings  
240 throughout the Dwelling Unit shall be maintained in a clean  
241 condition at all times and shall be in good repair.  
242 b) All rooms shall be adequately lighted and properly ventilated by  
243 natural or artificial means or both, and shall be provided with  
244 adequate heating and air-conditioning facilities. All natural gas  
245 fired heaters shall be vented to the outside atmosphere.  
246 c) Each Guest shall be furnished with clean towels, washcloths,  
247 and bed linens. Sheets must be of sufficient width and length  
248 to completely cover the mattress and be turned under the  
249 mattress so as to properly secure the sheet. All towels,  
250 washcloths and bed linens shall be kept in good repair and  
251 changed between rentals.  
252 d) All dishes, utensils, pots, pans and other cooking utensils shall  
253 be provided to Guests in a safe and sanitary condition. The  
254 Permittee shall ensure that all perishables left by the Guests are  
255 disposed of at the conclusion of a Short-Term Rental.  
256 e) Each Dwelling Unit shall have a working fire extinguisher,  
257 smoke alarms, and carbon monoxide detectors and shall comply  
258 with all applicable fire codes;

- f) The Dwelling Unit shall have working locks, operable by Guests, at all points of ingress and egress;
- g) Every Dwelling Unit shall comply with applicable provisions of the Comprehensive Zoning Ordinance, the Minimum Property Maintenance Code as provided in Chapter 26, Article IV, and the New Orleans Building Code, as provided in Sec. 26-14 *et. seq.*

7) **Short-Term Rental Guest Use Limitations.** The Owner shall ensure that no Dwelling Unit used as a Short-Term Rental, is used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance, during Guest use of the Short-Term Rental.

8) **Criminal Activity.** The Owner shall timely report any known or suspected criminal activity by a Guest to the New Orleans Police Department.

9) **Reasonable Inspections.** The Owner shall submit to inspections authorized by Sec. 26-624.

**10) Owner/Operator Availability.**

The Owner shall:

- a. Ensure the permitted Operator is available during all periods of Guest occupancy, including nights and weekends, to facilitate compliance with this Article. Availability requires, at a minimum, that the Operator be:
  1. accessible by telephone; and
  2. able to be physically present at the Short-Term Rental within one hour of being contacted.
- b. Serve as the point of contact for Guests.
- c. Receive and timely resolve complaints from neighbors regarding disruptive Short-Term Rentals.

**11) Taxes and Fees.** The Owner shall timely remit all applicable local, state, and federal taxes and City fees owed in connection with any Short-Term Rental.

289       12) **Compliance with Other Laws.** The Owner shall ensure that any Short-Term Rental fully  
290       complies with this Article, the Comprehensive Zoning Ordinance, and all other applicable  
291       laws.

292       B) **Prohibited Acts.** The following acts shall be prohibited and may be grounds for suspension or  
293       revocation of a Short-Term Rental Owner Permit, or any other remedy authorized by the  
294       Article.

- 295       1) Advertising an illegal Short-Term Rental.
- 296       2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-  
297       record limitation set forth in the Comprehensive Zoning Ordinance.
- 298       3) Exceeding in any advertisement, the legally available Guest bedroom limitation set  
299       forth in the Comprehensive Zoning Ordinance.
- 300       4) Exceeding in any advertisement, the legally available Guest occupancy limitations  
301       set forth in the Comprehensive Zoning Ordinance.
- 302       5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the  
303       Comprehensive Zoning Ordinance.
- 304       6) Exceeding the Guest bedroom limitation set forth in the Comprehensive Zoning  
305       Ordinance.
- 306       7) Exceeding the Guest occupancy limitations set forth in the Comprehensive Zoning  
307       Ordinance.
- 308       8) Using a Dwelling Unit as a reception facility, or for any other commercial use  
309       defined by the Comprehensive Zoning Ordinance, during a Short-Term Rental. No  
310       special event permit shall be obtained for an event occurring at a Dwelling Unit  
311       during any period of Guest occupancy.
- 312       9) Rental of the Dwelling Unit by the hour or for any period less than one night.
- 313       10) Rental of a single Dwelling Unit to more than one party of Guests at one time.

314 11) Short-Term Rental use that generates excessive loud sound, offensive odors, public  
315 drunkenness, unlawful loitering, lewd conduct by Guests or any effect that otherwise  
316 unreasonably interferes with neighbors' quiet enjoyment of their properties. For  
317 purposes of this paragraph, excessive loud sound means any noise, generated from  
318 within the Dwelling Unit or having a nexus to the Dwelling Unit that is louder than  
319 a conversational level, or any music that is plainly audible from the property line of  
320 the lot containing the Dwelling Unit, between the hours of 10:00 p.m. and 8:00 a.m.  
321 12) Short-Term Rental use that places loads on structural elements or components of  
322 buildings, including, but not limited to, porches, balconies, and roof decks, in excess  
323 of the minimum design loads required by the Building Code.  
324 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or  
325 the Sanitation Plan.  
326 14) Discriminating against any Guest, or potential Guest, because of race, color, sex,  
327 gender identity, age, religion, disability, national origin, ancestry, sexual orientation,  
328 marital status, parental status, military discharge status or source of income.  
329 15) Failure to comply with any other legal duty imposed by this Article or correlating  
330 provisions in the Comprehensive Zoning Ordinance, and all other applicable laws.

331 C) **Ongoing Duty.** An Owner possessing a Short-Term Rental Owner Permit may delegate the  
332 performance of any duties set forth in this Section to the permitted Short-Term Rental Operator  
333 identified in the Owner's application to the Department. Notwithstanding that delegation, the  
334 Owner remains principally responsible for the performance of all duties created hereunder, and  
335 may not assert the non-performance of a Short-Term Rental Operator as a defense to any action  
336 arising from a breach of the Owner's duties under this Article.

### 337 **DIVISION 3 – SHORT-TERM RENTAL OPERATOR PERMIT**

#### 338 **Sec. 26-619 – Short-Term Rental Operator Permit & Application – Eligibility**

339 A) Every Dwelling Unit used as a Short-Term Rental in Orleans Parish shall be operated by a  
340 natural person holding a Short-Term Rental Operator Permit.  
341 1) A natural person who holds a Short-Term Rental Owner Permit may act as the  
342 Operator, but must separately apply for and obtain a Short-Term Rental Operator  
343 Permit.

344 2) The Short-Term Rental Operator Permit is valid for one year from the date of issuance,  
345 and shall be reapplied for and renewed annually.

346 3) A separate Short-Term Rental Operator Permit shall be required for each Dwelling Unit  
347 used as a Short-Term Rental.

348 B) The application for a Short-Term Rental Operator Permit shall be on forms created by the  
349 Department, which shall require, at a minimum, the following information:

350 1) The name, address, phone number and email contact information of the Operator.  
351 2) The municipal addresses of all Dwelling Units for which the Operator is responsible,  
352 together with the name and contact information of the Owner of said units, if different  
353 from the Operator.

354 3) An attestation that the Operator has read, understands, and agrees to comply with all  
355 legal duties imposed by this Article, and in the Comprehensive Zoning Ordinance.

356 4) Proof that the Operator is at least 18 years of age.

357 5) A Nuisance Prevention and Neighborhood Complaint Response Plan for each  
358 Dwelling Unit used as a Short-Term Rental.

359 C) Renewals shall be obtained in the same or substantially similar form and manner as the  
360 initial permit, and shall require:

- 361 i. A revised and current sales tax clearance form from the Department of Finance;
- 362 ii. An attestation signed by the Operator providing that, in addition to the items  
363 specified in subpart (B), that a Short-Term Rental Operator Permit has not been  
364 revoked in the previous year; and
- 365 iii. Updated contact information, if applicable.

## 366 **Sec. 26-620 - Legal Duties of Short-Term Rental Operator Permit Holders**

367 A) **Legal Duties.** Any person possessing a Short-Term Rental Operator Permit shall comply at  
368 all times with the following requirements:

369 1) **Operator Availability.** The Operator shall:

- 370 a) Be available during all periods of Guest occupancy, including nights and  
371 weekends, to facilitate compliance with this Article. Availability requires, as a  
372 minimum, that the Operator:

1. be accessible by telephone; and
2. be able to be physically present at the Dwelling Unit within one hour of being contacted.

b) Serve as the point of contact for Guests.

c) Receive and timely resolve complaints from neighbors regarding disruptive Short-Term Rentals.

2) **Guest Records.** The Operator shall be solidarily responsible with the Owner for ensuring full compliance with the Guest record-keeping requirements set forth in Sec. 26-618(A)(2).

3) **Short-Term Rental Advertisements.** The Operator shall be solidarily responsible with the Owner for ensuring full compliance with the advertising requirements set forth in Sec. 26-618(A)(3).

4) **Adherence to Dwelling and Occupancy Limits.** The Operator shall be solidarily responsible with the Owner for ensuring full compliance with the dwelling-unit-per-lot-of-record, Guest bedroom, Guest occupancy, and density limitations set forth in Sec. 26-618 (A)(4).

5) **Required Postings at the Short-Term Rental.** The Operator shall be solidarily responsible with the Owner for ensuring full compliance with the posting requirements set forth in Sec. 26-618(A)(5).

6) **Health and Safety.** The Operator shall be solidarily responsible with the Owner for ensuring full compliance with each of the health and safety requirements set forth in Sec. 26-618(A)(6)(a) through (g).

7) **Short-Term Rental Guest Use Limitations.** The Operator shall be solidarily responsible with the Owner for ensuring that no Dwelling Unit associated with a Short-Term Rental Owner Permit be used as a reception facility, or any other commercial use as set forth in Sec. 26-618(A)(7).

8) **Criminal Activity.** The Operator shall be solidarily responsible with the Owner for reporting any known or suspected criminal activity by a Short-Term Rental Guest to the New Orleans Police Department as set forth in Sec. 26-618(A)(8).

403 9) **Reasonable Inspections.** The Operator shall be solidarily responsible with the Owner  
404 for facilitating inspections required by Sec. 26-618(A)(9).

405 10) **Compliance with Other Laws.** The Operator shall ensure that any Short-Term Rental  
406 fully complies with this Article, the Comprehensive Zoning Ordinance, and all other  
407 applicable laws.

408 B) **Prohibited Acts.** The following acts shall be prohibited and may be grounds for suspension or  
409 revocation of a Short-Term Rental Operator Permit, or any other remedy authorized by the  
410 Article.

- 411 1) Advertising an illegal Short-Term Rental.
- 412 2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record  
413 limitation set forth in the Comprehensive Zoning Ordinance.
- 414 3) Exceeding in any advertisement, the legally available Guest bedroom limitation set  
415 forth in the Comprehensive Zoning Ordinance.
- 416 4) Exceeding in any advertisement, the legally available Guest occupancy limitations set  
417 forth in the Comprehensive Zoning Ordinance.
- 418 5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the  
419 Comprehensive Zoning Ordinance.
- 420 6) Exceeding the Guest bedroom limitation set forth in the Comprehensive Zoning  
421 Ordinance.
- 422 7) Exceeding the Guest occupancy limitations set forth in the Comprehensive Zoning  
423 Ordinance.
- 424 8) No Dwelling Unit associated with a Short-Term Rental Owner Permit may be used as  
425 a reception facility, or any other commercial use defined by the Comprehensive Zoning  
426 Ordinance. No special event permit shall be obtained for an event occurring at a  
427 Dwelling Unit during any period of Guest occupancy.
- 428 9) Rental of the Dwelling Unit by the hour or for a period less than one night.
- 429 10) Rental of a single Dwelling Unit to more than one party of Guests at one time.

430 11) Short-Term Rental use that generates excessive loud noise, offensive odors, public  
431 drunkenness, unlawful loitering, lewd conduct by Guests or any effect that otherwise  
432 unreasonably interferes with neighbors' quiet enjoyment of their properties. For  
433 purposes of this paragraph, excessive loud noise means any noise, generated from  
434 within the Dwelling Unit or having a nexus to the Dwelling Unit that is louder than a  
435 conversational level, or any music that is plainly audible from the property line of the  
436 lot containing the Dwelling Unit, between the hours of 10:00 p.m. and 8:00 a.m.

437 12) Short-Term Rental use that places loads on structural elements or components of  
438 buildings, including, but not limited to, porches, balconies, and roof decks, in excess  
439 of the minimum design loads required by the Building Code.

440 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or the  
441 Sanitation Plan.

442 14) Discriminating against any Guest, or potential Guest, because of race, color, sex,  
443 gender identity, age, religion, disability, national origin, ancestry, sexual orientation,  
444 marital status, parental status, military discharge status or source of income.

445 15) Failure to comply with any other legal duty imposed by this Article, correlating  
446 provisions in the Comprehensive Zoning Ordinance, or any other applicable law.

447 **DIVISION 4 – SHORT-TERM RENTAL PLATFORM PERMIT**

448 **Sec. 26-621. - Annual Short-Term Rental Platform Permit & Application**

449 A) Any Platform that receives anything of value for directly or indirectly facilitating or conducting  
450 a Booking Transaction for Short-Term Rentals in Orleans Parish shall possess a Short-Term  
451 Rental Platform Permit.

452 B) The Short-Term Rental Platform Permit is valid for one year from the date of issuance, and  
453 shall be reapplied for and renewed annually.

454 C) The Short-Term Rental Platform Permit application shall require the following information, at  
455 a minimum:

456 1) The applicant's name, trade name, address, and telephone number;

457 2) Proof that the applicant is in good standing with the Louisiana Secretary of State and  
458 authorized to do business within the State of Louisiana;

459 3) The name, address, phone number and e-mail address of the Platform's local agent  
460 authorized for service of process; and

4) The name, address, phone number and e-mail address of the Platform's local agent authorized by the applicant to address and remedy any violation of this Article.

463 D) A separate Short-Term Rental Platform Permit shall be required for each individually branded  
464 Platform, even if under common ownership or control with other Platforms.

465 Sec. 26-622. - Legal Duties of Short-Term Rental Platform Permit Holders.

466 Any person possessing a Short-Term Rental Platform Permit shall comply at all times with the  
467 following requirements:

- 1) No Platform may conduct or facilitate any Booking Transaction for a Short-Term Rental of a Dwelling Unit in Orleans Parish that is not in compliance with this Article. A Short-Term Rental is not in compliance with this Article if (i) the Owner of the Dwelling Unit does not possess a valid Short-Term Rental Owner Permit for that Dwelling Unit; (ii) the Dwelling Unit is not operated by an Operator with a valid Short-Term Rental Operator Permit, or (iii) use of the Dwelling Unit for Short Term Rentals would contravene the Code of the City of New Orleans, the Comprehensive Zoning Ordinance, or any other municipal, state, or federal law.
- 2) Each Platform shall have a duty to obtain commercial general liability insurance, with limits of not less than \$1,000,000 per occurrence, for bodily injury, personal injury (if commercially available) and property damage arising in any way from the issuance of the Short-Term Rental Platform Permit or activities conducted pursuant to that permit. Each policy of insurance shall: (i) be issued by an insurer authorized to insure in the State of Louisiana; (ii) name the City of New Orleans as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the issuance of the permit (if commercially available); (iii) be maintained in full force and effect for the duration of the permit period; and (iv) include a provision requiring 30 calendar days' advance notice to the Department prior to cancellation or lapse of the policy.

- 3) Each Platform shall have the duty, if collecting and remitting taxes on behalf of an Owner, to comply with all applicable federal, state and local laws and regulations regarding collection and payment of taxes.

**Sec. 26-623. – Platform Safe Harbor**

Platforms shall be deemed in compliance with the legal duties set forth in Sec. 26-622 (1) if:

- A) The Platform requires any person who lists a Dwelling Unit located in Orleans Parish for a Short-Term Rental to provide the Short-Term Rental Owner Permit number and the Short-Term Rental Operator Permit number associated with the Dwelling Unit at the time of the listing;
- B) The Platform does not permit the listing of a Dwelling Unit located in Orleans Parish for a Short-Term Rental if the permit information required by Sec. 26-623(A) is omitted or appears blank;
- C) The Platform ensures that the Short-Term Rental Owner Permit number and the Short-Term Rental Operator Permit number identified pursuant to Sec. 26-623(A) are displayed on any listing of a Short-Term Rental so that the City may assess whether the Dwelling Unit possesses the appropriate permits and is otherwise operating in accordance with law; and
- D) The Platform removes any improper listings within seven days of the Department providing written notification of an unpermitted or unauthorized Short-Term Rental.

A permitted Platform that avails itself of this safe harbor does not warrant the accuracy of user-submitted permit data, and shall not be legally responsible for any incorrect information submitted by an Owner or Operator.

## **DIVISION 5—DEPARTMENT OF SAFETY AND PERMIT'S SHORT-TERM RENTAL RESPONSIBILITIES AND POWERS**

**Sec. 26-624. - Departmental authority.**

- A) **Receive Short-Term Rental applications.** The Department shall receive and process all Short-Term Rental permit applications and determine applicant eligibility.
- B) **Issue Eligible Short-Term Rental permits.** The Department shall issue permits only to eligible applicants, as determined by the Department.
- C) **Inspections.**

522 1) The Director of the Department or a duly authorized representative shall have the  
523 power to inspect any Short-Term Rental to determine compliance with this Article.

524 2) Inspection may occur at any reasonable time, upon the production of proper  
525 identification by a representative of the Department, whenever the Director of the  
526 Department has a reasonable belief that a Dwelling Unit or a Short-Term Rental  
527 is in violation of any of the provisions of this Article, the Comprehensive Zoning  
528 Ordinance, or the Building Code as provided in City Code Sec. 26-14 *et. seq.*

529 3) Prior to any inspection of an occupied Dwelling Unit, the Department shall  
530 present credentials to the Owner, Operator, or Guest and request entry. If the  
531 Short-Term Rental is unoccupied, the Department shall attempt to locate the  
532 Owner or Operator and request entry. If the Department does not obtain timely  
533 consent to enter a Dwelling Unit, it may attempt to secure entry as provided in  
534 subpart (4), below.

535 4) Warrant for inspection. If the Owner or Operator of the Short-Term Rental refuses  
536 within 72 hours of Department's request, admittance to the Director of the  
537 Department or his/her duly authorized representative for the purpose of making an  
538 inspection or examination of the premises, the Director or his representative may  
539 present an affidavit to any judge of the municipal court stating that he has cause  
540 to believe that an inspection of the designated premises will reveal designated  
541 violations of this article.

542 a) The affidavit alleging probable cause shall identify the factual basis  
543 for the belief that the Short-Term Rental is not in compliance with this  
544 Article, or correlating provisions in the Comprehensive Zoning  
545 Ordinance.

546 b) Upon receiving the affidavit, the judge may issue a warrant  
547 authorizing the Director or his representative to search the premises.  
548 The scope of the search authorized by the warrant shall be limited to  
549 a search for those designated, alleged violations.

550                   5) An Owner may avoid an inspection authorized by Subpart C of this Section by  
551                   voluntarily forfeiting his or her Short-Term Rental Owner's Permit, in which  
552                   case the permit shall be deemed revoked. Nothing herein shall limit the authority  
553                   of a law enforcement body to secure a search warrant in connection with criminal  
554                   activity at a Dwelling Unit unrelated to compliance with this Article or the  
555                   authority of the Department to conduct lawful inspections of a Dwelling Unit  
556                   unrelated to compliance with this Article.

557                   D) **Rescission of permits issued in error.** The Department is authorized to cancel a permit  
558                   issued under this Article whenever a permit so issued is in error, or in contravention of this  
559                   Article or the Comprehensive Zoning Ordinance.

560                   E) **Enforcement.** The Department shall not be responsible for the enforcement of correlating  
561                   taxation provisions dictated by Chapter 150 of the Code of the City of New Orleans.

562                   **Sec. 26-625 – Permit Issuance and Renewal – Departmental Determination**

563                   A) The Department shall have discretion to determine whether an applicant for a permit and  
564                   the Dwelling Unit identified in the application meet the criteria established by law, and  
565                   whether a permit should be issued.

566                   B) If a permit is denied, the Department shall provide written reasons to the applicant upon  
567                   request. The written reasons shall be sent to the e-mail provided in the application. The  
568                   applicant can appeal the Department's determination, within 30 days of the transmission,  
569                   by requesting in writing a hearing with the Department.

570                   1) If the denial is due to any conflict with the Comprehensive Zoning  
571                   Ordinance, the appeal shall directed to and heard by the Board of  
572                   Zoning Adjustments.

573                   2) If the denial is for any reason other than a conflict with the  
574                   Comprehensive Zoning Ordinance, the appeal shall be docketed by  
575                   the Department for a hearing before an Administrative Hearing  
576                   Officer in accordance with the procedures provided in Chapter 6,  
577                   Article II of the Code of the City of New Orleans.

578       **C)** The issuance or renewal of a permit under this Article shall not be deemed to warrant, on  
579        behalf of the City, that the Owner, Operator, or Platform is in compliance with law or that  
580        a Dwelling Unit is fit for occupancy. This Article shall not create any right of action against  
581        the City by a Guest or any third-party.

582       **DIVISION 6 –ENFORCEMENT**

583       **Sec. 26-626. – Violations – Notice and Hearing**

584       A) Any violation of this Article is prohibited, and shall subject the Owner, Operator, or  
585        Platform to penalties as provided in Sec. 26-629.

586       B) Notice and hearing requirements for determining violation(s) shall be in accordance  
587        with the administrative procedures provided in Chapter 6, Article II of the Code of  
588        the City of New Orleans.

589       **Sec. 26-627. – Immediate Suspension Procedures – Owner Permit**

590       A) If the Department has good cause to believe that the use of a Dwelling Unit as a Short-  
591        Term Rental presents an imminent threat to public health, safety, or welfare, the Director  
592        of the Department, by issuance of a written order stating the reasons for such belief, may  
593        immediately suspend the Short-Term Rental Owner Permit with respect to the unit without  
594        a hearing. The Department shall transmit notice of the Director's written order within  
595        twenty-four hours of the determination, and shall send said order to the Owner's contact  
596        information provided to the Department in the Owner Permit application.

597       B) No Dwelling Unit subject to an order of suspension may be used as a Short-Term Rental.

598       C) Within 14 days of the written order of suspension, a Short-Term Rental Owner may request  
599        a hearing in writing, directed to the Director of the Department. The hearing shall take  
600        place within 7 business days of the written request for a hearing. If the Owner fails to  
601        timely request a hearing, the Short-Term Rental Owner's Permit shall be deemed revoked.

602       **Sec. 26-628. – General Suspension and Revocation Procedures**

603       A) A permit issued pursuant to this Article may be suspended for a term or revoked in its  
604        entirety for violations of this Article or any other law incorporated herein.

605       B) If a permit is revoked, the Permittee may not reapply for a permit for a period of one  
606        year from the date of revocation.

607 C) The decision to suspend or revoke a permit shall be at the discretion of the hearing  
608 officer based on the severity of the violation and any other mitigating or aggravating  
609 circumstances surrounding the violation.

610 D) Without limiting the situations in which the hearing officer might deem revocation  
611 appropriate, revocation shall be mandatory in the following circumstances:

612 1) A Short Term Rental Owner Permit shall be revoked if the hearing officer  
613 determines by a preponderance of the evidence that:

614 i. The Owner violated Sec. 26-618(A)(4).

615 ii. The Owner violated Sec. 26-618(A)(6).

616 iii. The Owner violated Sec. 26-618(B)(8).

617 iv. The Owner violated Sec. 26-618(B)(10).

618 v. Three separate violations of Sec. 26-618(B)(11) have occurred at the  
619 Dwelling Unit during a three-month period.

620 vi. The Owner violated Sec. 26-618(B)(14).

621 vii. The Owner made false, misleading or fraudulent statement(s) in the  
622 permit application, or misrepresented material facts in the permit  
623 application, or used any scheme or subterfuge for the purpose of evading  
624 any requirement of this Article.

625 2) A Short Term Rental Operator Permit shall be revoked if the hearing officer  
626 determines by a preponderance of the evidence that:

627 i. The Operator violated Sec. 26-620(A)(4).

628 ii. The Operator violated Sec. 26-620(A)(6).

629 iii. The Operator violated Sec. 26-620(B)(8).

630 iv. The Operator violated Sec. 26-620(B)(10).

631 v. Three separate violations of Sec. 26-618(B)(11) have occurred at the  
632 Dwelling Unit during a three-month period.

633 vi. The Operator violated Sec. 26-620(B)(14).

634 vii. The Operator made false, misleading or fraudulent statement(s) in the  
635 permit application, or misrepresented material facts in the permit  
636 application, or used any scheme or subterfuge for the purpose of evading  
637 any requirement of this Article.

638 **Sec. 26-629. – Penalties**

639 A) Any person who violates this Article or the Comprehensive Zoning Ordinance shall be  
640 subject to a fine of not less than \$500.00 for each offense. Each day that such violation  
641 exists shall constitute a separate and distinct offense. Multiple violations can occur during  
642 a single Guest stay, and may be noticed and heard in a single administrative hearing.

643 B) In addition to any fine or penalty imposed by this Article, the City may seek all available  
644 relief in a court of competent jurisdiction to enjoin any violation.

645 C) The City may seek any remedy to compel compliance with the requirements of this Article  
646 or any correlating provision in the Comprehensive Zoning Ordinance, including the  
647 discontinuance of electrical service and the filing of property liens.

648 D) The City may revoke or suspend any and all permits required by this Article, as provided  
649 herein. If a permit issued pursuant to this Article is revoked, such revocation shall remain  
650 in effect for a period of one year from the date of revocation. The duration of suspensions  
651 shall be as dictated by the hearing officer's order."

1 **SECTION 2.** The effective date of this ordinance shall be September 1, 2019.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

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**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**

**DISAPPROVED:** \_\_\_\_\_

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**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

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**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**